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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,511	03/07/2001	Benjamin Slotznick	8899-31U1	5297
570	7590	07/13/2004	EXAMINER	
AKIN GUMP STRAUSS HAUER & FELD L.L.P. ONE COMMERCE SQUARE 2005 MARKET STREET, SUITE 2200 PHILADELPHIA, PA 19103-7013			NGUYEN, MAIKHANH	
			ART UNIT	PAPER NUMBER
			2176	

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/801,511

Applicant(s)

SLOTZNICK, BENJAMIN

Examiner

Maikhanh Nguyen

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>04/26/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: original application filed 03/007/2001; IDS filed 04/26/2001.
2. Claims 1-20 are currently pending in this application. Claims 1, 9, 11, and 19 are independent claims.

Priority

3. Examiner acknowledges the claim for domestic priority under 35 U.S.C. 119 (e) to provisional application 60/187,577, which was filed 03/07/2000.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- The following phrases lack antecedent basis:

“the setup page” (claims 1, 9, 11, and 19 line 3)

“the Internet” (claims 1 and 9, line 6; claim 11 and 19, line 8)

- Dependent claims 2-8, 10, and 12-18 are rejected for fully incorporating the deficiencies of their base claims.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Applicant Admitted Prior Art (APA)**.

As to independent claim 9, APA teaches a method of supplementing the display of a desired home web page with a floating window on a display screen of a user's terminal by using a setup web page having an address, the setup page having access to an address of a supplemental web page to be displayed in the floating window (*line 18, page 1- line 13, page 2*), the method comprising:

- a browser of the user's terminal automatically navigating to the setup page address when the user logs onto the Internet (*e.g., When a person access the Internet using browser software, the software automatically opens up a particular web site called a 'home page' or 'start page'; page 1, lines 18-19*); and

- automatically launching the floating window, wherein the floating window displays the supplemental web page (*launch a smaller 'floating' window ... allows the users to continue viewing that web site in the child window; page 2, lines 12-13*).

APA does not explicitly teach "the setup page receiving the supplemental web page address". However, APA discloses some web sites contain software code ... which allow the user to launch a smaller "floating" window displaying the site" (page 2, lines 8-10).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply APA's teaching for "the setup page receiving the supplemental web page address" in order to allow the user to retrieve and view several program windows at the same time.

As to dependent claim 10, APA teaches the user's terminal stores a cookie file including the supplemental web page address, the method further comprising: the setup page using address information in the cookie file to automatically cause the supplemental web page to be displayed (*e.g., cookies, lines 24-26*).

As to independent claim 1, the rejection of claim 9 above is incorporated herein in full. Claim 1, however, further recites "the browser window displays the home page".

APA teaches the browser window displays the home page (*e.g. browsing other web sites in the original 'parent' window; page 2, lines 12-13*).

As to dependent claim 2, it includes the same limitations as in claim 10, and is similarly rejected under the same rationale.

As to dependent claim 3, APA teaches the setup page is located in a file on the user's terminal or is remotely located from the user's terminal (*e.g., a home page is opened when a person accesses the Internet; page 1, lines 18-19*).

As to dependent claim 4, APA teaches the setup page opens up at least one other window on the user's display screen to display advertising or other information (*e.g., there can be two browsers windows directed to different web sites; page 2, lines 6-7*).

As to dependent claim 5, APA teaches the user selecting the supplemental web page by clicking on a displayed page element while visiting the supplemental web page, wherein the page

element is selected from the group consisting of an icon, a link and a button; and automatically storing the address of the supplemental web page in a file on a remote server or in a cookie file in the user's terminal (*e.g., an icon or small window or tool bar on the computer screen for quick access to the site ...when clicked, the program will direct the current browser to a preset web site, page 1, line 29 – page 2, line 4*).

As to dependent claim 6, APA teaches the setup page is an HTML page (*e.g., home page; page 1, lines 18-19*).

As to dependent claim 7, APA teaches the setup page is a CGI script (*e.g., Javascript; page 2, lines 9*).

As to dependent claim 8, APA teaches the CGI script is configured such that the floating window appears in the foreground of the display screen, and the home page appears in the background of the display screen (*e.g., a user frequently resize browser windows; page 2, lines 5-8*).

As to independent claim 11, note the rejection of claim 9 above. Claim 11 is the same as claim 9, except claim 11 is an article of manufacture claim and claim 9 is a method claim.

As to dependent claims 12-18, they include the same limitations as in claims 2-8, and are similarly rejected under the same rationale.

As to independent claim 19, note the rejection of claim 9 above. Claim 19 is the same as claim 9, except claim 19 is an article of manufacture claim and claim 9 is a method claim.

As to dependent claim 20, it includes the same limitations as in claim 10, and is similarly rejected under the same rationale.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Kitain et al.	U.S Patent No. 5,864,871	issued: Jan. 26, 1999
Bezos et al.	U.S Patent No. 6,029,141	issued: Feb. 22, 2000
Cragun	U.S Patent No. 6,177,936	issued: Jan. 23, 2001
Friskel et al.	U.S Patent No. 6,683,629	issued: Jan. 27, 2004

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maikhanh Nguyen whose telephone number is (703) 306-0092. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H Feild can be reached on (703) 305-9792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Maikhanh Nguyen
July 8, 2004


SANJIV SHAH
PRIMARY EXAMINER